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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 JOSEPH BROWN,

11 Plaintiff,

12 v.
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14 MARIN FOX-HEIGHT.

15 Defendant.
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CASE NO. C10-5535-BHS-JRC

REPORT AND
RECOMMENDATION

NOTED FOR:
DECEMBER 9, 2011

17 This matter has been referred to the undersigned Magistrate Judge pursuant
18 to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1,
19 MJR 3, and MJR 4. The Court recommends dismissal of this action for failure to
20 prosecute.
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22 On August 3, 2011, the Court entered an Order to Show Cause why this
23 action should not be dismissed for failure to prosecute (ECF No. 26). Plaintiff filed
24 a change of address on August 10, 2011. The Court then re-set the deadline for
Report and Recommendation 1

1 responding to the Court's order, giving the plaintiff until October 28, 2011, to
2 respond. There has been no response.

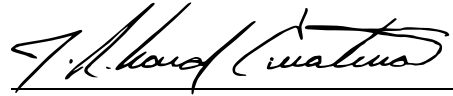
3 A district court has authority to dismiss a plaintiff's action because of failure
4 to prosecute or because of failure to comply with court orders. See Fed. R. Civ. P.
5 41(b); Link v. Wabash Railroad Co., 370 U.S. 626, 629–30, (1962) (holding that a
6 court's authority to dismiss for lack of prosecution is necessary to prevent undue
7 delays in the disposition of pending cases and to avoid congestion in the calendars
8 of the district courts); Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir.1992)
9 (holding that a district court may dismiss an action for failure to comply with any
10 order of the court).
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13 Here, plaintiff failed to take action after defendants did not respond to the
14 amended complaint. Plaintiff was warned that failure to take action could result in
15 dismissal and he again failed to act. The Court recommends dismissal of this action
16 for failure to prosecute.

17 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall
18 have fourteen (14) days from service of this Report to file written objections. See
19 also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
20 objections for purposes of de novo review by the district judge. See 28 U.S.C. §
21 636(b)(1)(C). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the
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1 clerk is directed to set the matter for consideration on December 9, 2011, as noted
2 in the caption.

3 Dated this 8th day of November, 2011.

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6 J. Richard Creatura
7 United States Magistrate Judge
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